



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

AN ACT RELATIVE TO ELECTION DAY REGISTRATION

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for election day registration for the citizens of the commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the last sentence and inserting in place thereof the
3 following sentence:- Any person otherwise qualified to vote for national or state officers shall,
4 by reason of a change of residence, be disqualified to vote for such officers in the city or town
5 from which he has removed his residence; provided further, that a person having changed his
6 residence shall be eligible to register under section 34A.

8 SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting,
9 after the word, “registration” in lines 7 and 16, the following words:- , or in accordance with the
10 provisions of section 34A.

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12 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out,
13 in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place thereof, in each
14 instance, the following figure:- 5:00 pm.

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16 SECTION 4. Said chapter 51 is hereby further amended by striking out section 28, as so
17 appearing, and inserting in place thereof the following section:-

18 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on
19 the last day for registration prescribed under section 26. For those towns having less than 1,500
20 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from
21 2:00 until 5:00 pm.

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23 SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as appearing
24 in the 2006 Official Edition, and inserting in place thereof the following section:-

25 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on
26 which registration is to cease, the registrars shall not register any person to vote in the next
27 primary or state election, except that they shall furnish, or cause to be furnished, to each person
28 waiting in line at the hour of 5:00 pm for the purpose of being registered, a card or slip of
29 identification bearing such person’s name and shall, before registration ceases, permit such
30 person to register. The registrars may, however, enter or correct on the registers the names of

31 persons who have registered as voters between December 31st preceding and the close of
32 registration.

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34 SECTION 6. Said chapter 51 is hereby further amended by inserting after section 34 the
35 following section:-

36 Section 34A. (a) An individual who is eligible to vote may register on the day of a state
37 election by appearing in person at the polling place, during the hours it is open for voting, for
38 the precinct in which the individual maintains residence, by completing a registration
39 application in a form prescribed by the state secretary which complies with identity
40 requirements of 42 U.S.C. section 15483, by presenting to the appropriate election official proof
41 of residency and by making a written oath which shall be as follows: I certify that I: am a
42 citizen of the United States; am at least 18 years old; am not under guardianship or otherwise
43 prohibited from voting; am not temporarily or permanently disqualified by law because of
44 corrupt practices in respect to elections; have read and understand this statement: I further
45 understand that giving false information is a felony punishable by not more than 5 years
46 imprisonment or a fine of not more than \$10,000, or both.

47 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the
48 following, so long as it includes the name of the applicant and the address from which he or she
49 is registering:

50 (i) a valid photo identification including, but not limited to, a Massachusetts’
51 driver’s license or other state-issued identification card; or

52 (ii) other documentation demonstrating the name and address where the applicant
53 maintains residence and seeks to register including, but not limited to, a copy of a current utility

54 bill, bank statement, government check, paycheck, other government document or a current
55 student fee statement.

56 (c) Upon meeting the identity requirements of subsection (a), production of proof of
57 residence, and the making of an oath sufficient to support registration, the ballot clerk or his
58 designee shall permit the applicant to vote on the day of a state election and the registrar or his
59 or her designee shall place the applicant's name and address on the annual register of voters as
60 soon as reasonably practicable following the date of the state election as prescribed by the state
61 secretary. Any person who registers to vote on the day of a state election in accordance with
62 this section shall, absent disqualification, be registered to vote at all subsequent primaries and
63 elections.

64 (d) The state secretary shall make available, to the election officers, to the extent
65 possible, at each polling place, access to the central registry of voters set forth in section 47C.
66 For the purposes of this section, a printed copy of all voters registered to vote in that precinct as
67 of the last day of the registration period, as required by sections 55 and 60, shall be sufficient.

68 (e) This section shall not apply to an individual seeking to register to vote in any town
69 for the purposes of voting at annual town meeting or special town meeting or at an annual or
70 special town election or to any individual seeking to register to vote in any city or town for the
71 purposes of voting at an regular or special preliminary or regular or special municipal election
72 after the applicable registration period prescribed in section 26 has closed. This section shall
73 not apply to an individual seeking to register to vote in any city or town for the purposes of
74 voting at any special state primary or special state election or at any biennial state primary.

75 (f) A registered voter shall not re-register on the day of an election for the exclusive
76 purpose of altering his party affiliation.

77 (g) The state secretary shall adopt regulations to implement the relevant provisions of
78 this chapter.

79 (h) Upon credible information or allegation of illegal voter registration, or credible
80 information or allegation of illegal multiple voting, there shall be an investigation upon the
81 merits of said information or allegation by the attorney general, or by the district attorney
82 having jurisdiction over the municipality in which the alleged illegal registration or illegal
83 multiple voting occurred. Nothing in this subsection shall be construed as excluding
84 enforcement of this section by any means otherwise provided by law.

85 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
86 56.

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88 SECTION 7. There shall be an advisory committee on the implementation of election day
89 registration. Among other issues it may consider, the advisory committee shall study the
90 resources necessary for, costs associated with, and feasibility of providing every polling
91 location with real-time electronic access to the central registry of voters. The advisory
92 committee shall be comprised of the secretary of state, or a designee, who shall chair the
93 advisory committee, the attorney general, or a designee, the house and senate chairs of the joint
94 committee on election laws, or their designees, 2 representatives of the Massachusetts Town
95 Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000
96 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory
97 committee shall complete its study of electronic access and election day registration and submit
98 an interim report on electronic access and recommendations for improving administration of
99 election day registration, in writing, to the joint committee on election laws and the senate and

100 house committees on ways and means on or before June 30, 2009, and the advisory committee
101 shall submit its final report in writing to the joint committee on election laws and the senate and
102 house committees on ways and means on or before June 30, 2011.

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104 SECTION 8. Notwithstanding any other general or special law to the contrary, an individual
105 who is eligible to vote but is not listed as a registered voter in the city or town in which she
106 seeks to vote on November 4, 2008, may register to vote, in accordance with the provisions of
107 chapter 34A of chapter 51 of the General Laws, provided however that such registration shall
108 take place at the office of the registrars of voters, as defined by section 1 of chapter 50 of the
109 General Laws, in the city or town in which the individual maintains residence during the hours
110 polling places are open for voting. A city with more than 150,000 residents, according to the
111 most recent federal census, may add additional locations at which qualified voters may register
112 and vote. These additional polling locations shall be selected by the city elections commission
113 at least 30 days prior to an election and subject to the approval of the state secretary, who shall
114 render his approval or disapproval within 5 calendar days of the selection of the city elections
115 commission. Upon completion of said registration, in accordance with the provisions of said
116 section 34A of chapter 51, the registrars shall allow any individual who has registered to vote on
117 the day of the election to cast the appropriate ballot at the office of the registrars. The registrars
118 shall distribute all completed ballots to the appropriate polling places to be included in that
119 location's vote count.

120 The state secretary shall adopt polices and regulations necessary to implement this
121 section.

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123 SECTION 9. Sections 8 is hereby repealed.

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125 SECTION 10. Section 9 shall take effect on December 1, 2008.

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